

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

ANTHONY TELLIS, ET AL

CIVIL ACTION NO. 5:18-00541

VERSUS

JUDGE ELIZABETH E. FOOTE

JAMES M. LEBLANC, ET AL

MAGISTRATE JUDGE HORNSBY

SCHEDULING ORDER

At the September 20, 2022 Scheduling Conference, the following dates were set on the docket of **Judge Foote**:

NON-JURY TRIAL:

**January 17, 2023, at 9:00 A.M., via
Zoom videoconference**

The Court will allocate 15 days for the trial of this matter.

PRETRIAL CONFERENCE:

**January 11, 2023, at 9:30 A.M., via
Zoom videoconference**

The Court will fully explore all pending evidentiary and legal issues and discuss its trial procedure. Accordingly, the conference can be lengthy. Counsel should contact chambers before the conference to ensure that they have allotted sufficient time in their schedules.

***JOINT PRETRIAL ORDER*:**
**(Format available at
www.lawd.uscourts.gov)**

January 4, 2023

Simultaneously with filing the pretrial order, counsel must deliver to chambers one paper copy of any exhibits to which that party noted objections in the pretrial order.

Special Requirements Enforced by the Court

- A. Motions to Extend Deadlines.** A motion to extend any deadline shall include a statement that the granting of the motion shall or shall not affect any other deadline or the trial date. Filing a motion to extend a deadline does not, in and of itself, result in an extension of time. Therefore, motions for extensions of time must be filed as soon as possible, but in any event, not later than **12:00 p.m. (noon)** of the day preceding the existing deadline.
- B. Dispositive Motion Deadline.** Because the Court wishes to decide dispositive motions in time to allow counsel to adequately prepare for the pretrial conference and for trial, motions to extend the dispositive motion deadline are disfavored and will be granted only in exceptional circumstances. Counsel are reminded that dispositive motions are not fully briefed and ripe for review until 28 days after they are filed and that the Court conducts a full pretrial conference approximately one month before the trial date.
- C. Exhibits to Motions.** Any exhibit attached to a motion must be labeled with a letter rather than a number. When the exhibits are filed in CM/ECF, counsel must file each exhibit as a separate attachment and must include **a descriptive title** (e.g., "Exhibit A – Excerpts of Plaintiff's Deposition" rather than "Exhibit 1"). In addition, each exhibit attached to a motion should be discussed and its contents explained within the motion or supporting memorandum. Compliance with these procedures aids the Court when reviewing parties' submissions electronically.
- D. Courtesy Copies.** It is the duty of the attorneys to provide a courtesy copy of all filings directly to chambers. Courtesy copies of all pretrial submissions marked with an asterisk (*) in this draft scheduling order shall be submitted to Judge Foote's chambers via e-mail at foote_motions@lawd.uscourts.gov simultaneously with the docket filing. The courtesy copy must be in Word format. If the filing is longer than fifty (50) pages (inclusive of exhibits and attachments), counsel should also submit a paper courtesy copy to the Court.
- E. Exhibits for the Record.** In order to preserve the record for appellate review, a second CD-ROM containing pdf-format versions of the exhibits that were introduced at trial must be provided to the courtroom deputy, Robin Enkey, at the close of trial. Mrs. Enkey may be reached at 318-934-4717 or at robin_enkey@lawd.uscourts.gov. The parties must also submit an exhibit list reflecting only those exhibits introduced at trial in Word format to the courtroom deputy.

- F. Joint Submissions.** It is the duty of all counsel to notify the court in writing if, after good faith reasonable effort, any party cannot obtain the cooperation of opposing counsel on matters requiring joint submissions, including the Pretrial Order, Joint Preliminary Statements, or edited Trial Depositions. If the parties cannot agree on the content of a joint submission, they must file separate submissions.
- G. Computation of Deadlines.** If a deadline falls on a Saturday, Sunday, or federal holiday, the effective date is the first business day following the deadline imposed.
- H. Standing Orders.** Attorneys are expected to comply with all applicable Standing Orders, including, but not limited to, Standing Order 1.95 (Code of Professionalism). Standing Orders are posted on the court's website: www.lawd.uscourts.gov.

PRETRIAL DEADLINES:

DEADLINE:

FOR:

August 30, 2022

1. DISCOVERY COMPLETION

October 3, 2022

2. WRITTEN DESCRIPTION OF CHANGES

By the close of business, Defendants will provide Plaintiffs with a written description of the changes made at DWCC from the deadline the Court had previously set for remedial measures, June 30, 2022, to August 30, 2022.

October 17, 2022

3. WRITTEN DISCOVERY REQUESTS

Plaintiffs will file any written discovery requests regarding the changes outlined in #2

November 11, 2022

4. DEFENDANTS' EXPERT REPORTS.

Defendants shall deliver reports in compliance with Rule 26(a)(2)(B), except for the listing of prior depositions. If there is any subsequent change in the expert's opinion, or its basis, the offering attorney must notify all counsel within **seven (7) days** thereafter. All expert reports must be accompanied by a statement by counsel as to the precise area of expertise in which the expert will be tendered.

- November 28, 2022** **5. PLAINTIFFS' EXPERT REPORTS.** See #4
- December 14, 2022** **6. EXCHANGE OF PROPOSED PRETRIAL ORDER AND EXHIBITS.**
- (A)** Counsel for plaintiffs shall deliver to counsel for defendant a draft of the proposed pretrial order, including a list of plaintiffs' witnesses and exhibits, as well as a set of plaintiffs' exhibits.
- (B)** Within **seven (7) days** of receipt of plaintiffs' draft of the PTO, defense counsel shall deliver to plaintiffs' counsel defendants' inserts, changes and/or objections to plaintiffs' proposed pretrial order, including a list of defendants' witnesses and exhibits, as well as a set of defendants' exhibits.
- December 20, 2022** **7. COMPLETION OF EXPERT DEPOSITIONS**
- December 28, 2022** **8. CONFERENCE TO PREPARE PRETRIAL ORDER.**
 Plaintiffs' counsel shall host a conference at a convenient time for all trial counsel in order to finalize the pretrial order. The Court prefers such conference occur in person, but should a face-to-face conference not be feasible or practical, counsel shall confer by telephone.
- December 28, 2022** ***9. MOTIONS IN LIMINE.***
 Motions to admit or exclude testimony or evidence must describe the specific testimony or evidence at issue and the context in which the movant anticipates the testimony or exhibit will be presented. If a motion refers to an exhibit, the proposed exhibit must be attached to the motion. Any opposition shall be filed within **seven (7) days** of the filing of the motion.

December 28, 2022

10. DAUBERT/EXPERT TESTIMONY MOTIONS.

Any challenge to the relevance or reliability of expert testimony and any exhibits or demonstrative aids to be used in connection with the expert's testimony must be filed by this date. Such a motion should be filed only if a party has a nonfrivolous basis to challenge an expert's qualifications or whether the expert's testimony and exhibits or aids reflect a reliable method reliably applied.

January 9, 2023

***11. PLAINTIFFS' WILL CALL LIST.**

January 9, 2023

12. NON-JURY TRIAL SUBMISSIONS.

This requirement applies only in the event the parties waive their right to a trial by jury.

(A) FINDINGS OF FACT and CONCLUSIONS OF LAW

The parties' submissions shall be formatted in individually numbered, single-sentence statements. Conclusions of law shall include pinpoint legal citations of supporting authority. Each party's submission shall be filed with the clerk of court and exchanged with all other parties by that deadline.

(B) EXHIBIT BOOKS

Counsel shall submit two paper copies of trial exhibits to Chambers. Paper copies shall be submitted in three-ring binders, with each exhibit separated by a numbered tab. A descriptive index of exhibits shall also be provided.

January 9, 2023

13. SUBMISSION OF TRIAL DEPOSITIONS.

Trial depositions shall be edited jointly by the parties to remove all non-essential material. Two (2) copies of any edited trial depositions (paper copy for non-jury trials or video copy for jury trials) shall be delivered to chambers by the deadline. All objections thereto must also be filed and briefed by this deadline. An additional copy of the edited deposition

for use during trial shall be brought to court on the morning of trial.

January 12, 2023

14. DEFENDANTS' WILL CALL LIST.

*A courtesy copy of these items shall be submitted to the Chambers of Judge Foote in accordance with the procedure outlined in Section D of Special Requirements.

THUS DONE AND SIGNED this 14th day of October, 2022.



ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE